



Mark Cornwall, PT, PHD, FAPTA  
President

**ARIZONA STATE BOARD OF PHYSICAL THERAPY**  
1470 W. ADAMS ST., STE 2450, PHOENIX, ARIZONA 85007  
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**REGULAR SESSION MEETING MINUTES**  
**November 19, 2019**

**BOARD MEMBERS PRESENT:** Mark Cornwall, PT PHD, FAPTA, President  
Peggy Hunter, PTA, CLT; Professional Member  
Kelly King, PT, DPT, Professional Member  
Michael S. Clinton, CPA; Public Member

**BOARD MEMBERS ABSENT:** Karen Bustillo, PT, DPT, OCS, CLT, Secretary  
Nushka Remec, PT, MS, PCS; Vice President  
Joshua Greer, Public Member

**ASSISTANT ATTORNEY GENERAL PRESENT:** Mona Baskin, Assistant Attorney General

**BOARD STAFF PRESENT IN PERSON:** Karen Donahue, PT, DPT, Executive Director  
Monica Crowley, Licensing Administrator  
Veronica Cardoza, Administrative Services Officer  
Mindy Richardson, PT, Investigator  
Michael Balbarin, PT, Investigator

**1) CALL TO ORDER – 8:30 A.M.;** Dr. Cornwall called the meeting to order at 8:40 A.M. (A recording of the meeting is available through the Board Office)

Roll Call – The following Board Members were present: Dr. Cornwall, Ms. Hunter, Dr. King, and Mr. Clinton.

**2) Review and Approval of Draft Minutes**  
A) October 22, 2019 Regular Session Meeting Minutes

The Board reviewed and discussed the minutes.

Dr. King moved the Board to approve the October 22, 2019 Regular Session Meeting Minutes. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	

Nay							
Recused							
Abstained							
Absent				X	X		X

B) October 22, 2019 Executive Session Meeting Minutes-A

The Board reviewed and discussed the minutes.

Ms. Hunter moved the Board to approve the October 22, 2019 Executive Session Meeting Minutes-A. Dr. King seconded the motion. Following review and discussion, the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remece	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

C) October 22, 2019 Executive Session Meeting Minutes-B

The Board reviewed and discussed the minutes.

Ms. Hunter moved the Board to approve the October 22, 2019 Executive Session Meeting Minutes-B. Mr. Clinton seconded the motion. Following review and discussion, the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remece	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

**3) CONSENT AGENDA: REVIEW, CONSIDERATION and ACTION**

**A) Applications for Licensure and Certification**

- 1) Review, Consideration and Approval of Applications for Physical Therapist Licensure with Documentation Related to Disclosure on “Personal Information” Section of the Application/Review, Consideration and Approval for ADA Accommodations.

Jerry Dillon
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Ms. Hunter moved the Board to approve the above Application for Physical Therapist Licensure and Approval for ADA Accommodations, upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Dr. King seconded the motion. Following review and discussion, the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

- 2) Review, Consideration and Approval of Applications for Physical Therapist Assistant Certification with Documentation Related to Disclosure on “Personal Information” Section of the Application.

Thomas Harding	Samantha Upton
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Dr. King moved the Board to approve the above Applications for Physical Therapist Assistant upon Receipt of Passing Scores on the NPTE/AZLAW and Final Transcript. Ms. Hunter seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

**Consent Agenda End**

**4) COMPLAINTS, HEARINGS, INVESTIGATIONS and COMPLIANCE**

- B) Review, Discussion and Possible Action for Review of Initial Review:

- 1) 19-13; Justin Newman, PT

Dr. Donahue stated for the record that Mr. Newman requested an extension. The Board reviewed and disused the case.

Dr. Cornwall moved the Board to table the above agenda item to the December 17, 2019. Dr. King seconded the motion. Following review and discussion, the motion carried by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

2) 19-33; Kelly DeLong, PT

Dr. Donahue provided a summary of the case for the Board. The Board opened complaint #19-33 after contact by Ms. DeLong. Ms. DeLong was found not to be in compliance with Board Order #15-12.

Ms. DeLong was not present and was not represented by legal counsel. The Board reviewed and disused the case.

Dr. Cornwall moved the Board enter into Executive Session to obtain legal advice and to review confidential records. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

**Executive Session-A from 8:50 A.M. to 9:03 A.M.**

Dr. King moved the Board to offer Ms. DeLong a consent agreement to include:

**Probation:** The Arizona Board of Physical Therapy hereby orders that Respondent, holder of License No. LPT-006565, is placed on probation for twelve (12) months. The probation may be extended or other enforcement actions taken in the event Respondent is found in violation this Order or violates the Arizona Physical Therapy Practice Act. Respondent may

petition the Board for early termination of probation if the Board determines all requirements of the Order have been met. The Board orders Respondent to comply with the following terms and conditions:

**License Restriction:** On the effective date of this Order Respondent's Arizona physical therapy license is restricted throughout the term of probation. Respondent shall not practice in a home health practice setting. Respondent shall only practice in a setting with another Arizona licensed physical therapist(s) in good standing with the Board who will be onsite at all times during Respondent's practice. Respondent shall submit the name of her employer and the names of the onsite Arizona licensed physical therapists(s) to the Board upon acceptance of a position to practice as a physical therapist.

**Evaluation:** Within ninety (90) days from the effective date of the Consent Agreement, Respondent shall obtain an evaluation from a Board approved evaluator to evaluate her mental health status, fitness for duty, and safety to practice. Respondent shall execute all releases to the Board approved evaluator to comply with the Consent Agreement. Respondent shall provide Board staff with the date and time of the scheduled evaluation. Respondent shall cause the Board approved evaluator to provide a copy of the evaluation to the Board. Upon receipt of the evaluation the Board shall review the report and all recommendations.

**Continuing Education:** Respondent shall take and complete an in-person continuing education course in the area listed below within ninety (90) days from the effective date of this order. Respondent shall submit the course to Board staff for approval prior to beginning the continuing education course. Any continuing education approved and credited for use in complying with the conditions of the order are in addition to the continuing competence activities required for renewal of Respondent's Arizona Physical therapist license. Respondent shall provide documentation to Board staff that the course was completed prior to termination of probation.

If consent agreement is not accepted the case will be forwarded to a Formal Hearing. Dr. Cornwall seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

3) 18-42; Victoria Petti, PT

Mr. Balbarin provided a summary of the case for the Board. Ms. K. alleges that Ms. Petti failed to complete the required documentation following the treatment and provision of physical therapy services during her travel assignment in the home healthcare setting. Ms. K. alleges that Ms. Petti’s failure to complete the required documentation delayed patient care. Ms. K. alleges that Ms. Petti abandoned patients.

Ms. Petti was not present and was not represented by legal counsel. The Board reviewed and disused the case.

Dr. King moved the Board enter to Dismiss the above case. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

C) Review, Discussion and Possible Action for Request for Early Termination of Probation:

1) 17-29; Cheri Hodges, PT (Executive Session)

Ms. Hodges was present and was represented by Mr. Nick Meza. Mr. Meza provided an opening statement to the Board. The Board reviewed and disused the case.

Dr. Cornwall moved the Board enter into Executive Session to obtain legal advice and to review confidential records. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

**Executive Session-B from 9:19 A.M. to 9:46 A.M.**

The Board reviewed and disused the case.

Dr. Cornwall moved the Board to Grant request for Early Termination of Probation. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

B) Review, Discussion and Possible Action for Review of Initial Review:

4) 19-16; Carl Y Malmquist III, PT

Ms. Richardson provided a summary of the case for the Board. Ms. English alleges that Mr. Malmquist employs 2 Hispanic PT’s that are not licensed in the United States but are performing duties as Physical Therapists.

Mr. Malmquist was present and was not represented by legal counsel. Mr. Malmquist provided an opening statement. The Board reviewed and discussed the case and asked questions of Mr. Malmquist.

Dr. King moved the Board to forward this case to an **Expedited Formal Hearing**. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							

Recused							
Abstained							
Absent				X	X		X

Ms. Hunter moved the Board to open a complaint against KA, JB, DB, BE (PTA’s) and DB, BC, NM, K, MS, AW (PT’s) to include allegations A.R.S. §32-2044(1), A.R.S. §32-2044(4), A.R.S. §32-2044(5), A.R.S. §32-2044(14), A.R.S. §32-2044(16), A.R.S. §32-2044(17), A.R.S. §32-2044(20). Dr. King seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

Ms. Hunter moved the Board to open a complaint against MA, NU, NF, RS AND CS to include A.R.S. §32-3227(F), A.R.S. §32-3227(G). Mr. Clinton seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

B) Review, Discussion and Possible Action for Review of Initial Review:

- 5) 19-41; Sharon McCallum, PT

Dr. Donahue provided a summary of the case for the Board. Ms. McCallum failed the AZ Law Exam on October 3, 2019 and proceeded to attest to passage and obtained her Compact Privilege on October 7, 2019. Ms. McCallum passed the AZ Law Exam on 10/18/19.

Ms. McCallum was not present and was not represented by legal counsel. The Board reviewed and disused the case.

Ms. Hunter moved the Board to forward the above case to a Formal Hearing. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

6) 19-11; Sterling Hester, PTA

Dr. Donahue provided a summary of the case for the Board. Ms. Black alleges that Mr. Hester documented and billed for 10 patients on March 24, 2019 in which he failed to provide any treatment interventions.

Ms. Hester was not present and was not represented by legal counsel. The Board reviewed and disused the case.

Ms. Hunter moved the Board to forward the above case to an Informal Hearing. Dr. Cornwall seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

**The Board Recessed from 10:28 A.M. to 10:43 A.M.**

D) Review, Discussion and Possible Action Request for Rehearing, Request for Board Direction Regarding Suspension and Correction of Board Order:

- 1) 17-17; Kinga Laskay, PTA

*At 10:43 A.M. Ms. Mona Baskin Assistant Attorney General stepped away from the Board table. Ms. Elizabeth Campbell, Assistant Attorney General proceeded to sit at the table and was there to advise the Board.*

Ms. Laskay was present and was not represented by Ms. Kylie Mote. The Board reviewed and disused the case.

Both Ms. Mote and Ms. Baskin, AAG provided an opening statement to the Board.

Dr. King moved the Board enter into Executive Session to obtain legal advice and to review confidential records. Ms. Hunter seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

**Executive Session-C from 10:59 A.M. to 11:17 A.M.**

The Board reviewed and discussed the case.

Ms. Hunter moved the Board to Deny the request for Rehearing, Request for Board Direction Regarding Suspension and Correction of Board Order. Dr. King seconded the motion. Following review and discussion the motion failed.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye		X	X				
Nay	X					X	
Recused							
Abstained							
Absent				X	X		X

Dr. Cornwall moved the Board to Grant the request for Review, Request for Board Direction Regarding Suspension and Correction of Board Order on the bases of possible excessive penalties. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X		X			X	
Nay		X					
Recused							
Abstained							
Absent				X	X		X

Dr. Cornwall moved the Board to modify Board Oder from 18 months Suspension to 6 months

Suspension and reduce the civil penalty from \$12,000 to \$5,000. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X		X			X	
Nay		X					
Recused							
Abstained							
Absent				X	X		X

Dr. Cornwall moved the Board to clerical error Corrections of Board Order #17-17. Mr. Clinton seconded the motion. Following review and discussion the motion carried.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

***Ms. Elizabeth Campbell, Assistant Attorney General left the Board table at 11:48 A.M. and Ms. Baskin, Assistant Attorney General returned to the Board table at 11:48 A.M.***

**The Board Recessed from 11:48 A.M. to 12:02 P.M.**

A) Review, Discussion and Possible Action on Informal Hearing in the following case:

- 1) Case No. 18-40; Tracy Hill, PT (11am)

Ms. Hill was present and was represented by Mr. Ryan Womack. The Board members and Board staff introduced themselves. Both Ms. Hill and Mr. Womack introduced themselves. Dr. Cornwall read a summary of how the hearing would be conducted and reviewed the possible outcomes of the hearing.

Dr. Donahue, Ms. Hill and Ms. Rivas were sworn-in as witnesses. Dr. Donahue read the allegations against Ms. Hill.

Mr. Womack provided an opening statement. The Board reviewed and discussed the case and asked questions of Ms. Hill.

Mr. Womack provided a closing statement.

The Board deliberated.

The Board went through each allegation for discussion. Following discussion on the allegations Dr. Cornwall moved the Board adopt the following Findings of Fact:

1. Patient RL was involved in a loss of balance, while engaged in physical therapy services with Respondent on September 18, 2018.
2. Documentation, by Respondent, does not indicate that a gait belt was utilize on September 18, 2018.
3. Respondent conducted the initial examination of RL which was incomplete due to standardize balance assessment is not documented; gait is not documented with the exception of “requires SP cane”; AROM is not documented and incomplete strength assessment.
4. Respondent failed to discuss the appropriate assistive device, based upon documented objective tests and measures, for ambulation safety and reduction of fall risk.
5. Respondent failed to obtain blood pressure when patient RG reported feeling “shakey” prior to engagement in treatment interventions on September 18, 2018.

Ms. Hunter seconded the motion. Following review and discussion the motion carried by roll call

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

Dr. King moved the Board to adopt the following Conclusions of Law:

**A.R.S. §32-2044(4)** “Engaging in the performance of substandard care by a physical therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the patient is established.”

Ms. Hunter seconded the motion. Following review and discussion the motion carried by roll call

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

The Board discussed possible disciplinary action against Ms. Hill license. Following discussion Dr. King moved the Board to adopt the following Order:

**1. Probation:** The Arizona Board of Physical Therapy hereby orders that Respondent, holder of License No. LPT-007339, is placed on probation for six (6) months. The probation may be extended or other enforcement actions taken in the event Respondent is found in violation this Order or violates the Arizona Physical Therapy Practice Act. Respondent may petition the Board for early termination of probation if the Board determines all requirements of the Order have been met. The Board orders Respondent to comply with the following terms and conditions:

**2. Continuing Education:** Respondent shall take and complete continuing education in the areas listed below within six (6) months from the effective date of this order. Respondent must submit to Board staff for approval prior to beginning the continuing education courses, a syllabus of each course. Respondent shall provide documentation to Board staff that the course was completed prior to any termination of probation is considered.

- a. Respondent shall take and complete a minimum of six (6) hours of continuing education in the area of Geriatric Evaluation that includes fall risk assessment.
- b. Respondent shall take and complete a minimum of six (6) hours of continuing Education in the area of documentation.

**3. Documentation Review:** Between 90 days and 120 days of the completion of Respondent’s continuing education, the Board's Investigator will perform a minimum of one review

of three (3) randomly selected charts for patients treated by Respondent. Respondent must contact the Board’s Investigator and provide the Investigator with a list of patients Respondent has treated during a period of time designated by the Board Investigator. The purpose of the review is to assess compliance with the Board's statutes and rules. If review of the charts described above reveal that the Respondent's records are not in compliance with the Board's statutes and rules, Respondent shall submit to additional reviews of patient charts where the Board's Investigator will perform another review of three (3) randomly selected charts for patients treated by Respondent. The purpose of the reviews is to assess compliance with the Board's statutes and rules. Respondent may petition the Board for relief of the reviews if respondent disagrees with the Board Investigator’s findings.

Ms. Hunter seconded the motion. Following review and discussion the motion carried by roll call

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

**5) BOARD BUSINESS AND REPORTS**

- D) Discussion with Arizona Physical Therapy Association Representatives/Public (after 10am)
  - 1) Telehealth for Physical Therapy Legislative Action for 2020
  - 2) DPT Regulatory Designation
  - 3) 2006-02 Substantive Policy Statement on Supervision- Student Supervision

Cynthia Driskill, Blair Packard, James Lyaskey, Jim Farris, and Rebecca Carpenter were there representing the AZPTA and the FSBPT. They all provide and update of the above agenda. The Board asked questions of them. No action was taken or needed.

- E) Review, Discussion and Potential Action:
  - 1) 2020 Board Meeting Proposed Dates

Ms. Hunter moved the Board to approve 2020 Board Meeting Proposed Dates. Dr. King seconded the motion. Following review and discussion the motion carried by roll call

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo

Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

**The Board Recessed from 2:00 P.M. to 2:15 P.M.**

A) Discussion

1) AAG Baskin Board Training

- a) Process and procedure regarding initial reviews, informal and formal hearings.

B) Review and Discussion:

1) AAG Baskin Legislative Update 2019

Ms. Baskin provided update of the above topics. No action was taken or needed.

C) Review and Discussion:

1) Applications Submitted October 2019

a) 38 Applications Submitted

- i. 1 Business Entity
- ii. 24 PT by Endorsement
- iii. 5 PT by Examination
- iv. 4 PTA by Endorsement
- v. 4 PTA by Examination

2) PT Licensure/ PTA Certification October 2019

a) 45 Applications Approved

- i. 1 Business Entity
- ii. 25 PT by Endorsement
- iii. 2 PT by Examination
- iv. 6 PTA by Endorsement
- v. 9 PTA by Examination
- vi. 1 PTA by Universal Recognition

Dr. Donahue provided and update of the above topics. No action was taken or needed.

F) Review and Discussion:

- 1) September 2019 Financial Statement
- 2) October 2019 Financial Statement

Dr. Donahue provided and update of the above topics. No action was taken or needed.

**6) CALL TO THE PUBLIC**

No one came forward.

**8) ADJOURNMENT**

Ms. Hunter moved the Board to adjourn. Dr. King seconded the motion. Following review and discussion, the motion carried unanimously by roll call.

Vote	Mr. Clinton	Ms. Hunter	Dr. King	Ms. Remec	Mr. Greer	Dr. Cornwall	Dr. Bustillo
Aye	X	X	X			X	
Nay							
Recused							
Abstained							
Absent				X	X		X

**Meeting adjourned at 2:43 P.M.**

Prepared by,

Monica Crowley  
Licensing Administrator

Approved by,

Karen Bustillo, PT, DPT, OCS, CLT  
Secretary